

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 096
Customer RID	<input checked="" type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input type="checkbox"/>	10 working days	<input type="checkbox"/>
		As time available	<input checked="" type="checkbox"/>

1. Project Name: Manufactured Homes

2. Project Number: N/A

(Plat #, Zoning Case #, etc.)

3. Project Street Address: N/A

(If not available nearest intersection of two public streets)

4. Applicant Name: City of San Antonio

5. Applicant Address: N/A

6. Applicant Telephone: (210) 207-8229

7. Applicant e-mail Address: #: andrew.spurgin@sanantonio.gov

8. Rule in Question

(Section and/or policy of UDC, Sign Code, etc)

Manufactured housing provisions of the UDC

9. Applicant's Position:

(Including date position presented and name of city staff point of contact)

Date: January 31, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

The 1987 Unified Development Code provided a R-4 manufactured home residence district which allowed manufactured homes on individual lots as well as manufactured home parks. The R-4 district converted to the MH district pursuant to the terms of the 2001 Unified Development on February 4, 2002. The MH district was subsequently amended and additional MHC and MHP districts were established to provide for manufactured homes on individual lots and manufactured home parks respectively. Staff needs guidance on properties with MH zoning specifically in regards to uses established under the 1987 R-4 district and for those established under the MH district after May 3, 2001 but prior to the establishment of the MHC and MHP districts on May 1, 2003.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: January 31, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

§35-3077 of the 1987 UDC established a R-4 district that specifically allowed manufactured homes on individual lots as well as manufactured home parks. §35-3077(b) further provided that only one manufactured home could be established on a lot unless there was a manufactured home park authorized. §35-4401 through -4423 further detailed the requirements for manufactured home park plans and applicable development standards. Manufactured home park plans required approval of the Planning Commission and §35-4402 specifically prohibited the issuance of building permits, repair permits or certificates of occupancy for manufactured homes without prior approval of a manufactured home park plan. §35-3351 of the 1987 provided dimensional standards with specific provisions for different uses within the R-4 district relative to yards (setbacks) and minimum area.

§35-354 of the May 3, 2001 UDC established a manufactured housing district and carried over the language from the 1987 UDC allowing manufactured homes on individual lots as well as manufactured home parks. Manufactured homes were also addressed in the zoning supplemental use regulations in §35-381 and the manufactured home park plan requirement was detailed in §35-B108. There is no substantive change between the 1987 and 2001 requirements other than layout and organization within the Code.

§35-D102 of the May 3, 2001 UDC established a zoning conversion table effective February 4, 2002 to convert the old zoning districts to the new zoning districts. R-4 converted to MH allowing uses for manufactured homes on individual lots as well as manufactured home parks to continue as conforming to the new ordinance

On May 1, 2003 ordinance number 97568 amended the statement of purpose in §35-354(a) as well as the permitted uses in subsection (b) by removing manufactured home parks as a permitted use within the MH district. However, subsection (c) still provided language relative to both manufactured housing on individual lots and manufactured home parks in order to maintain provisions for parks that had already had the MH zoning before this code modification.

Additional UDC amendments adopted through ordinance number 97568 included new section §35-355 to provide a Manufactured Housing Conventional ("MHC") District and §35-356 to provide a Manufacturing Housing Park ("MHP") District.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: January 31, 2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

The intent of the currently adopted MH district is to serve as a transitional provision for manufactured home districts established as R-4 under the 1987 Unified Development Code and uses zoned MH prior to May 11, 2003 (effective date of ordinance 97568). Any property zoned R-4 under the 1987 UDC or zoned MH prior to May 11, 2003 shall

be permitted one manufactured home on an individual lot or, where an approved Manufactured Home Park Plan is in place, a manufactured home park. For the latter to apply the manufactured home park must have had a plan approved by the Planning Commission pursuant to §35-4401 through 35-4423 of the 1987 UDC or §35-B108 of the 2001 UDC. Properties zoned R-4 under the 1987 ordinance shall be subject to the dimensional standards of §35-3351.

In accordance with §35-4402 of the 1987 UDC and §35-424(g) of the 2001 UDC an approved manufactured home park plan must be in place prior to the issuance of building permits, repair permits or certificates of occupancy for manufactured homes in a park.

The MHC district was established in 2003 to allow single manufactured homes on individual lots and the MHP district was established to allow manufactured home parks with appropriate standards for each as they relate to HUD requirements. With the enactment of the MHC and MHP districts the intent was that no new properties would be designated MH. Instead MH would remain in the Code purely as a transitional provision for uses established before May 11, 2003 and allow such uses to operate as conforming uses, provided that all other applicable Code provisions were followed.

In recognition that in some cases properties have been designated as MH since May 11, 2003, those properties shall be limited to one manufactured home on an individual lot in accordance with the revised language of §35-354 through ordinance 97568. The dimensional standards of the RM-4 district shall apply in such cases where the MH district was established after May 3, 2001

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action: Immediately **Effective Date of policy/action:** Immediately

The intent of the currently adopted MH district is to serve as a transitional provision for manufactured home districts established as R-4 under the 1987 Unified Development Code and uses zoned MH prior to May 11, 2003 (effective date of ordinance 97568). Any property zoned R-4 under the 1987 UDC or zoned MH prior to May 11, 2003 shall be permitted one manufactured home on an individual lot or, where an approved Manufactured Home Park Plan is in place, a manufactured home park. For the latter to apply the manufactured home park must have had a plan approved by the Planning Commission pursuant to §35-4401 through 35-4423 of the 1987 UDC or §35-B108 of the 2001 UDC. Properties zoned R-4 under the 1987 ordinance shall be subject to the dimensional standards of §35-3351.

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The MHC district was established in 2003 to allow single manufactured homes on individual lots and the MHP district was established to allow manufactured home parks with appropriate standards for each as they relate to HUD requirements. With the enactment of the MHC and MHP districts the intent was that no new properties would be designated MH. Instead MH would remain in the Code purely as a transitional provision for uses established before May 11, 2003 and allow such uses to operate as conforming uses, provided that all other applicable Code provisions were followed. **No new properties shall be designated MH.**

In recognition that in some cases properties have been designated as MH since May 11, 2003, those properties shall be limited to one manufactured home on an individual lot in accordance with the revised language of §35-354 through ordinance 97568. The dimensional standards of the RM-4 district shall apply in such cases where the MH district was established after May 3, 2001.

In cases where an applicant wishes to establish a manufactured home park on property zoned R-4 under the 1987 UDC or MH prior to May 11, 2003 a zoning verification letter shall be required that indicates the date at which the zoning was established on the property.

The following reference chart has been created to assist in interpretation:

Date at which zoning was established on the property	Zoning	Permitted Uses	
		One HUD-Code Manufactured Home On Individual Lot	Manufactured Home Park With Approved Manufactured Home Park Plan
Before June 4, 2001*	R-4 (1987 UDC) & MH (2001 UDC)	Yes	Yes**
June 4, 2001 to May 11, 2003	MH	Yes	Yes**
May 11, 2003 forward	MH	Yes	No
	MHC	Yes	No
	MHP	No	Yes

*June 4, 2001 was the effective date of the May 3, 2001 UDC

** Zoning verification letter required.


 Roderick Sanchez, AICP, C.B.O
 Director

2-4-11
 Date